

^ARTICLE 58

CITY SQUARE NEIGHBORHOOD DISTRICT

(^Article inserted on May 31, 1995*)

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*Date of public notice: May 1, 1995 (see St. 1956, c. 665, s.5).

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SECTION 58-1. Statement of Purpose, Goals, and Objectives. The purpose of this Article is to establish the zoning regulations for the City Square Neighborhood District. The goals and objectives of this Article are to preserve and enhance the Charlestown neighborhood; to promote land uses that provide jobs for the City's residents; to enhance the appearance of residential and commercial subdistricts; to maintain the stock of affordable housing; to preserve, enhance, and create open space; to protect the environment and improve the quality of life; to promote the most appropriate use of land; and to promote the public safety, health, and welfare of the people of Boston.

SECTION 58-2. Physical Boundaries. The provisions of this Article are applicable only in the City Square Neighborhood District. The boundaries of the City Square Neighborhood District and its subdistricts are as shown on the map numbered 2D entitled "City Square Neighborhood District," amending "Map 2 Charlestown", and "Map 2C Harborpark District: Charlestown Waterfront" of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 58-3. Applicability. This Article together with the rest of this Code constitutes the zoning regulation for the City Square Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A, is not available except to the extent expressly provided in this Article or in Article 6A. Where conflicts exist between the provisions of this Article and the remainder of this Code, the provisions of this Article shall govern. Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7 and Articles 13 through 24 of this Code for the City Square Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

Applicability of Tidelands Regulations. Any Proposed Project for which a license is required pursuant to Massachusetts General Laws, Chapter 91 and its implementing regulations shall be subject to the Tidelands Regulations applicable to that portion of the Harborpark District located nearest to the Proposed Project, as such Tidelands Regulations are set forth in Section 42B-5 (Tidelands Regulations for Harborpark District Charlestown Waterfront) or Section 42F-5 (Tidelands Regulations for Harborpark District Charlestown Navy Yard), as the case may be.

SECTION 58-4. **Prohibition of Planned Development Areas.** Within the City Square Neighborhood District, no Planned Development Area shall be permitted.

SECTION 58-5. **Community Participation.** This Article has been developed with the extensive participation of the Charlestown Neighborhood Council, civic associations, business groups, and residents. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the Charlestown Neighborhood Council, or its successor organization, if any, and the Charlestown civic associations, residents, business and trade groups, shall continue to play an ongoing role in advising the City on land use planning for the City Square neighborhood.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 58-6. Establishment of Residential Subdistricts. This Section 58-6 establishes Residential Subdistricts within the City Square Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of the residential neighborhoods in terms of density, housing type, and design; to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development which enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. Three-Family Residential ("3F") Subdistrict. The Three-Family Residential ("3F") Subdistricts are established to preserve low density three-family areas with a variety of housing types appropriate to the existing fabric, including one-, two-, and three-family Dwellings, to preserve existing structures, to provide for new infill construction appropriate to the existing fabric, and to allow minor changes to occur as of right. In a 3F Subdistrict, the maximum number of Dwelling Units allowed in a single Building, including a Town House Building or Row House Building, is three (3).
2. Multifamily Residential ("MFR") Subdistrict. The Multifamily Residential ("MFR") Subdistricts are established to encourage medium -density, multifamily areas with a variety of allowed housing types, including, one -, two-, and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.

SECTION 58-7. Use Regulations Applicable in Residential Subdistricts.

1. Within the Residential Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.
2. Basement Units: Notwithstanding any contrary provision of this Article or Code, Dwelling Units in a Basement are forbidden in the City Square Neighborhood District.

^SECTION 58-8. Dimensional Regulations Applicable in Residential Subdistricts.

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height and FAR Requirements. The minimum allowed Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table B of this Article.
2. Lot Frontage. Within the Three-Family Residential Subdistrict, every Lot shall have a minimum frontage on a Street not less than the minimum Lot Width specified in Table B of this Article for such Lot, and, in addition, each Detached Dwelling, Semi-Attached Dwelling, Row House Building, and Town House Building on a Lot shall have a minimum frontage on a Street not less than such minimum Lot Width.
3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line.

(^As amended on August 22, 1996.)

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 58-9. Establishment of Neighborhood Business Subdistricts. This Section 58-9 establishes Neighborhood Business Subdistricts within the City Square Neighborhood District. There is one type of Neighborhood Business Subdistrict: Neighborhood Shopping ("NS"), providing convenience goods and services to the Charlestown neighborhood.

The physical character and visual image of Charlestown's commercial centers are critical to their success. Appropriate signage, screening and buffering, and design guidelines and requirements, as provided in other sections of this Article, are vital to creating and reinforcing a positive image of the Neighborhood Business Subdistrict.

The following Neighborhood Business Subdistrict is established:

1. City Square Neighborhood Shopping (NS) Subdistrict

SECTION 58-10. Use Regulations Applicable in Neighborhood Business Subdistricts. Within a Neighborhood Business Subdistrict, no land or structure shall be erected, used, or arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in a Neighborhood Business Subdistrict.

SECTION 58-11. Dimensional Regulations Applicable in Neighborhood Business Subdistricts. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table C of this Article.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 58-12. **Establishment of Open Space Subdistricts.** This Section 58-12 establishes Open Space ("OS") Subdistricts in the City Square Neighborhood District. The purpose of the Open Space Districts and Subdistricts is to enhance the quality of life for Charlestown's residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts). The Open Space Subdistricts designated in the City Square Neighborhood District are listed in Table 1 of this Section 58-12 and are of the following types:

1. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.

TABLE 1

Open Space Subdistricts in the City Square Neighborhood District

<u>Designation</u>	<u>Location/Name</u>
Parkland	City Square Park

REGULATIONS GOVERNING DESIGN

SECTION 58-13. [Applicability of Article 31 Development Review.] Deleted on May 9, 1996 by Text Amendment No. 230.

^SECTION 58-14. Design Review and Design Guidelines.

1. Applicability of Design Review. To ensure that growth in the City Square Neighborhood District is compatible with the character of the buildings and urban design features of the neighborhood, design review is required for certain Proposed Projects through Large Project Review (Urban Design Component) or Small Project Review (Design Component), pursuant to Article 80 of this Code.

To determine whether a Proposed Project is subject to Large Project Review, see Section 80B-2 (Applicability of Large Project Review)

Within the City Square Neighborhood District, any Proposed Project that is not subject to Large Project Review is subject to the Design Component of Small Project Review, except where Section 80E-2.1 (Applicability of Small Project Review: Design Component) specifies that such review does not apply.

2. Design Guidelines. This Section 58-14.2 establishes the following design guidelines for the City Square Neighborhood District.
 - (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.
 - (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.
 - (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings. Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.
 - (d) New or rehabilitated residential buildings should reflect and complement the patterns of height, siting, and architectural character of the surrounding residential structures. The removal or alteration of any historic architectural feature is discouraged.

- (e) New or rehabilitated commercial buildings should reflect and complement the patterns of height, siting, and architectural character of historically distinctive commercial buildings in the surrounding area.
- (f) In the rehabilitation of residential or commercial buildings, deteriorated architectural features should be repaired rather than replaced, wherever possible and appropriate. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based, where appropriate, on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.
- (g) Contemporary design for residential structures shall not be discouraged, if such design is compatible with the size, material, and character of the surrounding neighborhood environment.
- (h) New residential construction should reflect the traditional location and relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of openings to the street and neighboring structures. A facade facing a Street should not consist of blank walls without windows. In addition, the location of buildings should respect significant landscape features on the site.
- (i) New residential construction should respect the standards of scale of existing residential construction in order to maintain the subdistrict's special qualities. Overall building height and massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.
- (j) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows, facing onto pedestrian areas, should be avoided to the extent practicable in building designs. Consistency with the established local structure should be considered in the design of cornice and roof lines and wall articulation, including the design of bays and fenestration.
- (k) Storefronts and display windows should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the area's finest commercial

architecture. Street Wall continuity should be established and maintained.

- (l) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.
- (m) Roofs of buildings should be designed to minimize the visibility of roof structures normally built above the roof and not designed to be used for human occupancy, such as headhouses and mechanical equipment.
- (n) A zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.
- (o) Landscaping and screening should be used to make the business subdistricts more attractive and to provide screening between business and residential uses.
- (p) In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location and should enhance and reinforce any historic qualities of existing structures.

(^As amended on May 9, 1996 and July 31, 1997.)

^SECTION 58-15. **Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, the provisions of this Section 58-15 shall apply to Proposed Projects within those subdistricts specified in this Section 58-15, except to the extent that provisions for display windows have been addressed through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall be applicable to the provisions of this Section 58-15.

1. Display Window Area Regulations in Neighborhood Business Subdistricts.
This Section 58-15 shall apply to any Proposed Project for the uses

specified in this Section 58-15. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

- (a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 58-15.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.
 - (i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
 - (iii) For Vehicular Uses involving the servicing or washing of vehicles, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.
- (b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Uses, Service Uses, Office Uses, or Trade Uses conducted on the premises.

- (c) Display Window Security Grates. That portion of the Display Window Area required by Section 58-15.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate must be concealed and integrated into the facade.

(^As amended on May 9, 1996.)

^SECTION 58-16. **Screening and Buffering Requirements.** In order to enhance the appearance of the City Square Neighborhood District and to ensure that its commercial subdistricts are appropriately separated from adjacent areas, the screening and buffering requirements of this Section 58-16 shall apply to those Proposed Projects described in this Section 58-16, except where provisions for adequate screening and buffering have been established for a Proposed Project through Large Project Review or Small Project Review, pursuant to Article 80. The provisions of Article 6A shall apply to the provisions of this Section 58-16.

1. Screening and Buffering of Parking, Loading, and Storage Areas. Any off-street parking facility or lot, off-street loading area, or accessory storage area that abuts (a) a public street, (b) a public park, or (c) a Residential Subdistrict or Residential Use, shall be screened from view as provided in this Section 58-16.2. Such screening shall consist of trees and shrubs densely planted in a strip at least five (5) feet wide on the inside edge of a steel-picket or stockade or board-type wooden fence. Such fence shall not be more than fifty percent (50%) opaque and shall be no less than three (3) feet and no more than four (4) feet high. The planting strip shall be separated from any parking area by a curb six (6) inches in height.

Any material or equipment stored outdoors to a height greater than four (4) feet above Grade shall be surrounded by a wall or fence or vegetative screen of such height, not less than six (6) feet high, as may be necessary to screen such material or equipment from view from any public street or public open space.

2. Screening of Disposal Areas and Certain Equipment. Disposal areas, dumpsters, and ground-mounted mechanical equipment that abut (a) a public street, (b) a public park, (c) a Residential Subdistrict or Residential Use, or (d) a Neighborhood Business Subdistrict, shall be screened from view as provided in this Section 58-16.3, except that no additional screening shall be required if the disposal area, dumpster, or ground-mounted

mechanical equipment is located within a lot where screening is required along lot lines pursuant to Section 58-16.1. Disposal areas and dumpsters shall be screened with an opaque wall or fence at least six (6) feet high or by vegetation. Ground-mounted mechanical equipment shall be screened with an opaque wall or fence sufficiently high to provide effective screening.

3. Roof-Mounted Mechanical Equipment. Roof-mounted mechanical equipment shall be painted to blend with adjacent or nearby building materials or shall be screened by wood, brick, or similar material.
4. Materials for Walls and Fences. Walls and fences may be made of one or more materials, such as masonry (piers or walls), iron pickets, decorative metal, wrought iron, shadow box, vinyl coated or galvanized chain link with or without redwood strips woven through it, or stockade or board-type wood. The use of chain link fencing without wooden strips is discouraged except on small areas not facing a public street or public park. The use of plywood sheeting also is discouraged. Two or more materials may be used in combination with each other, and piers and walls may be used in combination with fences.
5. Specifications for Plantings. Shrubs required by this Section 58-16 may be deciduous or evergreen, or a mixture of both types. Shrubs must be densely planted to provide a mature appearance within three (3) years. Trees required by this Section 58-16 may be evergreen or a combination of deciduous and evergreen. Deciduous trees shall be at least three (3)-inch caliper at the time of planting (measured six (6) to twelve (12) inches above Grade), and shall be at least twelve (12) feet tall and planted fifteen to twenty (15-20) feet on center, and evergreen trees shall be at least twelve (12) feet tall and planted twelve to fifteen (12-15) feet on center. Ground cover consisting of grass or other plantings or four to six (4-6) inches of pine-bark or similar mulch shall be placed within the planting strip at the time of planting and replenished as necessary. Existing mature trees and shrubs should be retained when possible. The use of bulbs, perennials, and annuals also is encouraged.
6. Maintenance of Landscaped Areas. Landscaping required by this Section 58-16 shall be maintained in a healthy growing condition, free of refuse and debris. All plant materials and fencing shall be arranged and maintained so as not to obscure the vision of traffic. There shall be no parking of vehicles in areas used for screening and buffering. Outside storage of any materials, supplies, or products is not permitted within any landscaped area required by this Section 58-16.

(^As amended on May 9 and August 22, 1996.)

MISCELLANEOUS PROVISIONS

^SECTION 58-17. **Sign Regulations.** The provisions of this Section 58-17 shall apply to all Proposed Projects except to the extent that sign requirements have been established through Large Project Review or Small Project Review, pursuant to Article 80.

1. Sign Regulations Applicable in Residential Subdistricts and Open Space Subdistricts. In all Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.
2. Sign Regulations Applicable in All Subdistricts Other than Residential Subdistricts and Open Space Subdistricts. In all subdistricts other than Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 58-17. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:
 - (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-five (45) square feet. No more than one (1) such Sign per Sign Frontage shall be internally lit. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from either edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.
 - (b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that incorporates a public service message device, such as a time and temperature Sign,

provided such public service message device operates no less than seventy-five percent (75%) of every hour. For each Sign Frontage, no more than one (1) Sign attached at right angles to a Building shall be internally lit.

- (c) Free-standing Signs. Free-standing Signs shall be permitted only for Gasoline Stations and conditional for all other uses. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-standing Sign shall not have a Sign Area in excess of: (i) fifteen (15) square feet, if there is one use on the Lot, or (ii) thirty (30) square feet, if there are two or more uses on the Lot. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.
- (d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those legally in existence on the effective date of this Article, is forbidden in the City Square Neighborhood District.
- (e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).
- (f) Display of Permit Number and Posting Date. Each permanent Sign, including any Sign painted on or affixed to an awning, canopy, or marquee, shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

(^As amended on May 9, 1996.)

^SECTION 58-18. **Off-Street Parking and Loading Requirements.** For any Proposed Project that is subject to or has elected to comply with Large Project Review, required off-street parking spaces and off-street loading facilities shall be determined through such review in accordance with the provisions of Article 80. For all other Proposed Projects, the minimum required off-street parking spaces are set forth in Table D, and the minimum required off-street loading facilities are set forth in Table E.

1. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.

2. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its gross floor area or the number of dwelling units, only the additional gross floor area or the additional number of dwelling units shall be counted in computing the off-street parking facilities required.
3. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.
4. Location.
 - (a) Off-street parking and loading spaces shall not be located in any part of a landscaped area required by this Article or in any part of a Front Yard, except as specifically provided in this Section 58-18. If a Lot is located in a Residential Subdistrict, a total of two (2) accessory parking spaces serving residential uses on such Lot may be located in that portion of the Front Yard that lies between the side yard and the Front Lot Line, provided that the total width of such Front Yard area used for parking does not exceed ten (10) feet.
 - (b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 58-18 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and (2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.
 - (c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared

parking arrangements, in which parking spaces are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

5. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:
 - (a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic. Such facilities shall be Accessible to physically handicapped persons. All lighting for such facilities shall be arranged so as to shine downward and away from streets and residences.
 - (b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained, and maintained as to prevent water and dust therefrom from going upon any street or another Lot.
 - (c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling, or servicing of any kind.
 - (d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.
6. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

(^As amended on May 9 and August 22, 1996.)

^SECTION 58-19. Application of Dimensional Requirements.

1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.
2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required, and the Lot is a corner lot, no Structure or planting in such Front Yard shall interfere with traffic visibility across the corner. Except when other provisions for traffic visibility across a corner have been specified through Large Project Review or Small Project Review pursuant to Article 80 or by election, no Structure or planting shall be higher than two and one-half (2-1/2) feet above the curb of the abutting Street within that part of the required Front Yard that is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.
3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot Line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.
4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 58-19. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.
5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.

6. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one-half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot be less than two (2) feet wide. No Side Yard in which there is a driveway providing access to off-street parking or off-street loading facilities required by this Article shall be less than ten (10) feet wide.
7. Accessory Buildings in Side or Rear Yards. Accessory Buildings may be erected in a Side or Rear Yard as a conditional use; provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any side or rear Lot line, or closer than sixty-five (65) feet to the front Lot line.
8. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.
9. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.
10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.
11. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings, and parapets of such Structure, shall not extend more than five (5) feet above Grade.
12. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more families is on the same Lot as, and to the side of, another Dwelling or other

Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 58-19.12 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 58-19.12 were met.

13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

(^As amended on July 31, 1997 and September 28, 1998.)

SECTION 58-20. **Nonconformity as to Dimensional Requirements.** A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article may nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 58-21. **Regulations.** The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 58-22. **Severability.** The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 58-23. **Definitions.** Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 58-24. **Tables.** The following tables are hereby made part of this Article:

Tables A Use Regulations

- | | | |
|---|---|--|
| A | - | Residential Subdistricts
Neighborhood Business Subdistricts |
|---|---|--|

Tables B-C

Dimensional Regulations

- B - Residential Subdistricts
- C - Neighborhood Business Subdistricts

Tables D-E

Parking and Loading Regulations

- D - Off-Street Parking
- E - Off-Street Loading

TABLE A

**City Square Neighborhood District
Use Regulations
Residential Subdistricts and Neighborhood Business Subdistricts**

Key: A = Allowed, C = Conditional, F = Forbidden

For definition of use categories and certain specific uses, see Article 2A.

			Neighborhood Shopping Subdistricts	
	Three Family <u>(3F)</u>	Multifamily Residential <u>(MFR)</u>	Bsmt. & First Story	Second Story & Above
<u>Banking and Postal Uses</u>				
► Automatic teller machine	F	C	C	C
► Bank	F	C	C	C
Drive-in bank	F	F	F	F
Post office	F	C	C	F
(► As amended on September 28, 1998.)				
<u>Community Uses</u>				
Adult education center	F	A	A	C
Community center	C	A	A	C
Day care center	C	A	A	C

TABLE A - Continued

			Neighborhood Shopping Subdistricts	
	Three Family (3F)	Multifamily Residential (MFR)	Bsmt. & First Story	Second Story & Above
<u>Community Uses (cont.)</u>				
Day care center, elderly	C	A	A	C
Library	A	A	A	C
Place of worship; monastery; convent; parish house	A	A	A	C
<u>Cultural Uses</u>				
Art gallery	F	A	A	A
► Art use	F	C	C	C
Auditorium	F	C	C	C
Cinema	F	C	C	F
Concert hall	F	C	C	C
Museum	F	C	A	A
Public art, display space	F	A	A	A
Studios, arts	F	A	A	A
Studios, production	F	C	C	C
Theatre	F	C	C	C
Ticket sales	F	C	C	C

(► As amended on September 28, 1998.)

TABLE A - Continued

			Neighborhood Shopping Subdistricts	
	Three Family (3F)	Multifamily Residential (MFR)	Bsmt. & First Story	Second Story & Above
<u>Dormitory and Fraternity Uses</u>				
Dormitory not accessory to a use	F	F	F	F
Fraternity	F	F	F	F
<u>Educational Uses</u>				
College or university	F	C	C	C
► Elementary or secondary school ¹	C	C	C	C
► Kindergarten	C	C	C	C
Professional school	F	C	C	C
Trade school	F	C	C	C
(► As amended on September 28, 1998.)				
<u>Entertainment and Recreational Uses</u>				
Adult entertainment	F	F	F	F
Amusement game machines in commercial establishment	F	F	C	F
Amusement game machines in non-commercial establishment	F	F	C	F
Bar ²	F	C	C	F
Bar with live entertainment ²	F	C	C	F

TABLE A - Continued

	Three Family (3F)	Multifamily Residential (MFR)	Neighborhood Shopping Subdistricts	
			Bsmt. & First Story	Second Story & Above
Bowling alley	F	C	C	F
Billiard parlor	F	F	F	F
► Dance hall	F	C	C	F
Drive-in theatre	F	F	F	F
► Fitness center or gymnasium	F	C	C	C
► Private club not serving alcohol	F	C	C	C
► Private club serving alcohol	F	C	C	C
► Restaurant with live entertainment, not operating after 10:30 p.m. ²	F	C	C	C
Restaurant with live entertainment, operating after 10:30 p.m. ²	F	C	C	F
(► As amended on September 28, 1998.)				
<u>Funerary Uses</u>				
Cemetery	F	F	F	F
Columbarium	F	F	F	F
Crematory	F	F	F	F

TABLE A - Continued

	Three Family (3F)	Multifamily Residential (MFR)	Neighborhood Shopping Subdistricts	
			Bsmt. & First Story	Second Story & Above
<u>Funerary Uses (cont'd)</u>				
Funeral home	F	C	F	C
Mortuary chapel	F	F	F	F
<u>Health Care Uses</u>				
Clinic	F	C	C	C
Clinical laboratory	F	C	C	C
Custodial care facility	F	F	F	F
Group care residence, general	F	C	C	C
Hospital	F	F	F	F
Nursing or convalescent home	F	C	C	C
<u>Hotel and Conference Center Uses</u>				
Bed and breakfast	A	A	A	C ³
Conference center	F	C	F ³	F ³
Executive suites	F	C	F ³	F ³
Hotel	F	C	F ³	F ³
Motel	F	F	F	F

TABLE A - Continued

	Three Family <u>(3F)</u>	Multifamily Residential <u>(MFR)</u>	Neighborhood Shopping <u>Subdistricts</u>	
			<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>
<u>Industrial Uses</u>				
Artists' mixed-use	F	F	F	F
Cleaning plant	F	F	F	F
General manufacturing use	F	F	F	F
 <u>Industrial Uses (cont'd)</u>				
Light manufacturing use	F	F	F	F
Printing plant	F	F	F	F
Restricted industrial use	F	F	F	F
 <u>Office Uses</u>				
► Agency or professional office	F	F	A	A
General office	F	F	C	C
Office of wholesale business	F	F	C	C

(► As amended on September 28, 1998.)

TABLE A - Continued

			Neighborhood Shopping	
			Subdistricts	
	Three Family (3F)	Multifamily Residential (MFR)	Bsmt. & First Story	Second Story & Above
<u>Open Space Uses</u>				
Golf driving range	F	F	F	F
Grounds for sports, private	F	F	F	F
Open space	A	A	A	A
► Open space recreational building	C	C	C	C
Outdoor place of recreation for profit	F	C	C	F
Stadium	F	F	F	F
<u>Public Service Uses¹</u>				
► Automatic telephone exchange or telecommunications data distribution center	F	F	C	C
Courthouse	C	A	A	A
Fire station	A	A	A	A
Penal institution	F	F	F	F
Police station	F	A	A	A
► Pumping station	C	F	F	F
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F
Solid waste transfer station	F	F	F	F
► Sub-station	F	F	F	F
Telephone exchange	F	F	F	F

TABLE A - Continued

			Neighborhood Shopping Subdistricts	
	Three Family (3F)	Multifamily Residential (MFR)	Bsmt. & First Story	Second Story & Above
(► As amended on September 28, 1998.)				
<u>Research and Development Uses⁵</u>				
Research laboratory	F	F	C	C
Product development or prototype manufacturing	F	F	C	C
<u>Residential Uses⁶</u>				
► Congregate living complex	F	A	C	C
► Elderly housing	F	A	C	C
► Group residence, limited	A	A	A	A
Lodging house	F	C	C	C
Mobile home	F	F	F	F
Mobile home park	F	F	F	F
Multi-family dwelling	F	A	C	A
One family detached dwelling	A	A	C	C
One family semi-attached dwelling	A	A	C	C
Orphanage	F	C	C	C
Rowhouse	F	A	C	C
Temporary dwelling structure	C	F	C	C
Three family detached dwelling	A	A	C	A
Townhouse	A	A	C	A

TABLE A - Continued

	<u>Three Family (3F)</u>	<u>Multifamily Residential (MFR)</u>	<u>Neighborhood Shopping Subdistricts</u>	
			<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>
<u>Residential Uses</u> ⁶ (cont.)				
Transitional housing or homeless shelter	C	C	C	C
Two family detached dwelling	A	A	C	A
Two family semi-attached dwelling	A	A	C	A
(► As amended on July 31, 1997 and September 28, 1998.)				
<u>Restaurant Uses</u>				
Drive-in restaurant	F	F	F	F
► Restaurant	F	C	A	F
Take-out restaurant				
Small ⁷	F	F	C	F
Large ⁷	F	F	F	F
(► As amended on September 28, 1998.)				

TABLE A - Continued

	Three Family (3F)	Multifamily Residential (MFR)	Neighborhood Shopping Subdistricts	
			Bsmt. & First Story	Second Story & Above
<u>Retail Uses</u> ⁸				
Adult bookstore	F	F	F	F
► Bakery	F	C	A	C
General retail business ⁹	F	F	F	F
Liquor store	F	F	C	F
► Local retail business	F	C	A	A
Outdoor sale of garden supplies	F	F	C	F
;Pawnshop	F	F	C	C
(► As amended on September 28, 1998.)				
(;As inserted on February 16, 2001)				
<u>Service Uses</u> ⁸				
Animal hospital	F	F	F	F
► Barber or beauty shop	F	C	A	A
+Body art establishment	F	F	C	C
Caterer's establishment	F	F	C	F
;Check cashing business	F	F	F	F
Container redemption center ¹⁰	F	F	C	F
Dry-cleaning shop	F	F	A	C
Kennel	F	F	F	F

TABLE A - Continued

	Three Family (3F)	Multifamily Residential (MFR)	Neighborhood Shopping Subdistricts	
			Bsmt. & First Story	Second Story & Above
<u>Service Uses⁸ (cont.)</u>				
► Laundry, retail service	F	C	A	C
► Laundry, self-service	F	C	A	C
► Photocopying establishment	F	C	A	A
► Shoe repair	F	C	A	A
► Tailor shop	F	C	A	A
(;As inserted on August 22, 1996.)				
(► As amended on September 28, 1998.)				
(+As inserted on April 9, 2001)				
<u>Storage Uses, Major</u>				
Enclosed storage of solid fuel or minerals	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F
Outdoor storage of new materials	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F
Storage of flammable liquids and gases				
Small ¹¹	F	F	F	F
Large ¹¹	F	F	F	F
Storage or transfer of toxic waste	F	F	F	F

TABLE A - Continued

	Three Family (3F)	Multifamily Residential (MFR)	Neighborhood Shopping Subdistricts	
			Bsmt. & First Story	Second Story & Above
<u>Storage Uses, Major</u> (cont.)				
► Storage of dumpsters not accessory or ancillary to a main use, nor used in conjunction with the ongoing operation of a permitted site with explicit legal use and occupancy as a dumpster repair facility, waste hauling contractor yard, or site assigned and licensed solid waste management facility	F	F	C	C
Warehousing	F	F	F	F
Wrecking yard	F	F	F	F
(► As inserted on September 18, 2000)				
<u>Trade Uses</u> ⁸				
Carpenters shop	F	C	C	F
Electrician's shop	F	C	C	F
Machine shop	F	C	C	F
► Photographer's studio	F	C	A	C
Plumber's shop	F	C	C	F
Radio/television repair	F	C	A	F
Upholsterer's shop	F	C	A	F
Welder's shop	F	F	F	F

TABLE A - Continued

			Neighborhood Shopping Subdistricts	
	Three Family (3F)	Multifamily Residential (MFR)	Bsmt. & First Story	Second Story & Above
(► As amended on September 28, 1998.)				
<u>Transportation Uses</u>				
Airport	F	F	F	F
Bus terminal	F	F	F	F
Garage with dispatch	F	F	F	F
Helicopter landing facility	F	F	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	F	F	F	F
Water terminal	F	F	F	F
<u>Vehicular Uses</u>				
;Airport-related remote parking facility	F	F	F	F
Bus servicing or storage	F	F	F	F
Carwash ¹²	F	F	F	F
Gasoline station ¹²	F	F	F	F
+Indoor sale, with or without installation, of automotive parts, accessories and supplies	F	F	F	F
Indoor sale of automobiles and trucks	F	F	F	F
Outdoor sale of new and used vehicles	F	F	F	F

TABLE A - Continued

	Three Family (3F)	Multifamily Residential (MFR)	Neighborhood Shopping Subdistricts	
			Bsmt. & First Story	Second Story & Above
<u>Vehicular Uses (cont.)</u>				
Parking garage	F	C	C	C
Parking lot	F	C	F	F
Rental agency for cars	F	F	C	F
Rental agency for trucks	F	F	F	F
Repair garage ¹²	F	F	F	F
Truck servicing or storage	F	F	F	F
(;As inserted on November 21, 1996.)				
(+As amended on November 7, 1996.)				
<u>Wholesale Uses</u>				
Wholesale business	F	F	F	F

TABLE A - Continued

	Three Family (3F)	Multifamily Residential (MFR)	Neighborhood Shopping Subdistricts	
			Bsmt. & First Story	Second Story & Above

Accessory and Ancillary Uses

In each subdistrict of the City Square Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict on the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines (not more than four) in commercial or non-commercial establishment	F	F	C	F
Accessory art use	A	A	A	A
Accessory automatic teller machine	F	A	A	F
Accessory bus servicing or storage	F	F	F	F
Accessory cafeteria	F	F	A	A
Accessory cultural uses	F	F	A	A
Accessory dormitory	F	F	F	F
Accessory drive-through restaurant	F	F	F	F
Accessory drive-through retail	F	F	F	F
Accessory family day care home	A	A	A	A
Accessory home occupation	A	A	A	A
Accessory industrial use	F	F	F	F

TABLE A - Continued

	Three Family (3F)	Multifamily Residential (MFR)	Neighborhood Shopping Subdistricts	
			Bsmt. & First Story	Second Story & Above
<u>Accessory and Ancillary Uses (cont.)</u>				
Accessory keeping of animals other than laboratory animals	F	F	F	F
Accessory keeping of laboratory animals ⁵	F	F	F	F
Accessory machine shop	F	F	F	F
Accessory manufacture of products	F	F	F	F
Accessory offices	A	A	A	A
► Accessory outdoor cafe ¹³	C	C	A	C
Accessory parking	A	A	A	C
Accessory personnel quarters	F	A	C	C
Accessory professional office in a dwelling	A	A	A	A
Accessory railroad storage yard	F	F	F	F
► Accessory recycling	F	C	C	C
Accessory repair garage	F	F	F	F
► Accessory retail	F	A	A	A
► Accessory service uses	F	A	A	A
Accessory services for apartment and hotel residents	F	A	C ³	C
► Accessory services incidental to educational uses other than college or university use	F	C	C	C

TABLE A - Continued

	Three Family <u>(3F)</u>	Multifamily Residential <u>(MFR)</u>	Neighborhood Shopping Subdistricts	
			<u>Bsmt. & First Story</u>	<u>Second Story & Above</u>
<u>Accessory and Ancillary Uses (cont.)</u>				
Accessory storage of flammable liquids and gases				
Small ¹¹	F	F	A	F
Large ¹¹	F	F	C	F
Accessory storage or transfer of toxic waste	F	F	F	F
► Accessory swimming pool or tennis court ¹⁴	A	A	A	C
Accessory trade uses	F	C	A	A
Accessory truck servicing or storage	F	F	F	F
Accessory wholesale business	F	F	F	F
Ancillary use ¹⁵	C	C	C	C

► As amended on September 28, 1998.)

1. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s. 2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained.

TABLE A – Continued

2. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.
3. Except A in the area bounded by Warren Street, Water Street, North Washington Street, and Chelsea Street.
4. Deleted on September 28, 1998.
5. Provided that such use shall comply with all guidelines and standards promulgated by the National Institutes of Health concerning the care and use of laboratory animals.
6. Provided that Dwelling Units shall be forbidden in Basements.
7. Small: total gross floor area not more than 2,500 square feet per restaurant in a Neighborhood Shopping Subdistrict. Large: total gross floor area exceeding 2,500 square feet per restaurant in a Neighborhood Shopping Subdistrict.
8. Where a Retail, Service or Trade Use is designated "A," it shall be conditional if merchandise is sold or displayed out-of-doors or if such establishment is open to the public after midnight or before 6:00 a.m.
9. Where designated "A," provided that any Proposed Project for a General Retail Business shall be conditional if it: (a) establishes an occupancy for a General Retail Business having a gross floor area of seventy-five thousand (75,000) or more square feet; or (b) changes to a General Retail Business the use of a gross floor area of seventy-five thousand (75,000) or more square feet; (c) enlarges a General Retail Business so as to increase its gross floor area by seventy-five thousand (75,000) or more square feet.
10. Provided that all storage of beverage containers shall be located entirely within a building, and provided further that such use shall be forbidden within fifty (50) feet of any Residential District or Subdistrict, or Open Space District or Subdistrict.
11. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

TABLE A - Continued

12. Where such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.
13. Except conditional in Rear Yard abutting a Residential Subdistrict.
14. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.
15. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is ancillary.

TABLE C

City Square Neighborhood District

Dimensional Regulations

Neighborhood Business Subdistricts

	<u>Neighborhood Shopping Subdistrict</u>
Maximum Floor Area Ratio	3.0 (1)
Maximum Building Height (ft.)	45 (2)
Minimum Lot Size (sq.ft.)	none
Minimum Lot Area per Dwelling Unit (sq.ft.)	none
Minimum Usable Open Space per Dwelling Unit (sq.ft.) (3)	50
Minimum Lot Width (ft.)	none
Minimum Lot Frontage (ft.)	none
► Minimum Front Yard (ft.) (4)	none
Minimum Side Yard (ft.)	none
Minimum Rear Yard (ft.)(6)	20

TABLE C - Continued

Footnotes:

1. Provided that, in the portion of such subdistrict bounded by Warren Street, Chelsea Street, City Square and Park Street, the maximum Floor Area Ratio shall be 2.0.
2. Provided that, in the portion of such subdistrict bounded by Warren Street, Water Street, North Washington Street, and Chelsea Street, the maximum Building Height shall be fifty-five (55) feet, as measured from the average grade of Chelsea Street.
3. All or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.
4. In a required front yard in a Neighborhood Business Subdistrict, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

In a Neighborhood Business Subdistrict, every front yard required by this Code shall be at grade level along every lot line on which such yard abuts.

5. Deleted on September 28, 1998.
6. In a Neighborhood Business Subdistrict, every rear yard required by this Code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

► As amended on September 28, 1998.)

TABLE D

**City Square Neighborhood District
Off-Street Parking Requirements(1)**

	<u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u>
<u>Banking and Postal Uses</u>	1.0
<u>Community Uses</u>	1.0
<u>Educational Uses</u>	
Day Care Center	0.7
Elementary or Secondary School	0.7
Kindergarten	0.7
Other Educational Uses	1.0
<u>Health Care Uses</u>	1.0
<u>Industrial Uses</u>	0.5
<u>Office Uses</u>	2.0
<u>Public Service Uses</u>	
Police Station	1.0
Fire Station	1.0
Other Public Service Uses	0
<u>Research and Development Uses</u>	0.5

TABLE D - Continued

**City Square Neighborhood District
Off-Street Parking Requirements(1)**

	<u>Space(s) Per 1,000 Square Feet of Gross Floor Area</u>
<u>Retail Uses</u>	2.0
<u>Service and Trade Uses</u>	2.0
<u>Storage Uses, Major</u>	0.5
<u>Transportation Uses</u>	0.25
<u>Vehicular Uses</u>	0.5
<u>Wholesale Uses</u>	0.25

;1. The provisions of this Table D do not apply to Proposed Projects that are subject to Large Project Review. See Section 58-18 (Off-Street Parking and Loading Requirements).

(;As amended on May 9, 1996.)

TABLE D - Continued

**City Square Neighborhood District
Off-Street Parking Requirements (1)**

	If there are seats: <u>(spaces per seat)(2)</u>	If there are no seats (spaces per 1,000 square feet of public <u>floor area in structures)</u>
<u>Cultural Uses</u>	0.2	2.0
<u>Entertainment Uses</u>	0.3	4.0
<u>Funerary Uses</u>		
Funeral home	0.1	3.0
Mortuary chapel	0.1	3.0
All other funerary uses	none	none
<u>Places of Worship</u>	0.1	3.0
<u>Restaurant Uses</u>		
Restaurant	0.3	4.0
Other Restaurants	0.15	0.5
<u>Open Space Uses</u>		
Stadium	0.2	N/A
Other Open Space Uses	0.2	2.0

;1. The provisions of this Table D do not apply to Proposed Projects that are subject to Large Project Review. See Section 58-18 (Off-Street Parking and Loading Requirements).

(;As amended on May 9, 1996.)

2. Where benches are used, each two (2) linear feet of bench shall constitute one (1) seat.

TABLE D - Continued

**City Square Neighborhood District
Off-Street Parking Requirements(1)**

	Off-Street Parking Requirement (spaces per dwelling unit)(2)
<u>Dormitory/Fraternity Uses</u>	0.5
<u>Hotel and Conference Center Uses</u>	
Bed and Breakfast	0.7
Conference Center	0.7
Executive Suites	0.7
Hotel	0.7
Motel	1.0
<u>Residential Uses</u>	
Elderly Housing	0.2
Group Care Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
► Other Residential Uses(3)	
1-2 units	1.0
3-6 units	1.5
7-9 units	1.75
10+ units	2.0

;1. The provisions of this Table D do not apply to Proposed Projects that are subject to Large Project Review. See Section 58-18 (Off-Street Parking and Loading Requirements).

TABLE D - Continued

**City Square Neighborhood District
Off-Street Parking Requirements(1)**

2. Where a use is not divided into Dwelling Units:
 - (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;
 - (b) if sleeping rooms have accommodations for more than two (2) people, each group of four (4) beds shall constitute a Dwelling Unit.
3. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement for Proposed Projects under 50,000 square feet of gross floor area shall be 0.7 parking spaces per Dwelling Unit.

(► As amended on September 28, 1998.)
(;As amended on May 9, 1996.)

;TABLE E

**City Square Neighborhood District
Off-Street Loading Requirements(1)**

<u>Gross Floor Area</u>	<u>Required Off-Street Loading Bays</u>
0-15,000 square feet	0
15,001-49,000 square feet	1.0

- ;1. The provisions of this Table E do not apply to Proposed Projects that are subject to Large Project Review. See Section 58-18 (Off-Street Parking and Loading Requirements).

(;As amended on May 9, 1996.)